

SECOND PART: APPLICATION FORM IN WORD FORMAT

Working Group on Arbitrary Detention, member from Western European and other States

Appointment to be made by the Human Rights Council at its 49th session

APPLICATION DEADLINE: 25 NOVEMBER 2021 AT 12 NOON GENEVA TIME

- The application process consists of two compulsory parts:
(1) online survey¹ (<https://ohchr-survey.unog.ch/index.php/985419>)
and
(2) application form in Word format² (to be downloaded from <https://www.ohchr.org/EN/HRBodies/HRC/SP/Pages/HRC49.aspx>)
- Once fully completed, in English or French only, the Word application form should be submitted by email to ohchr-hrcspecialprocedures@un.org
- A maximum of up to three optional reference letters may be attached to the email (in Word or PDF format).
- No additional documents (e.g. CVs, resumes or additional reference letters) will be accepted.
- Applicants will receive an acknowledgment email when both parts of the application process, i.e. the data submitted through the online survey and the Word application form, have been received by the Secretariat.
- Applications will only be considered if both parts and all sections of the Word application form have been completed and received by the Secretariat before the expiration of the deadline. **No incomplete or late applications will be accepted.**
- Eligible for Working Group mandates are only nationals of the States belonging to the [regional groups](#) for which specific vacancies have been advertised.
- General description of the selection process and answers to frequently asked questions are available at <https://www.ohchr.org/EN/HRBodies/HRC/SP/Pages/Nominations.aspx> and <https://www.ohchr.org/EN/HRBodies/HRC/SP/Pages/BasicInformationSelectionIndependentExperts.aspx>
- In case of technical difficulties or problems with accessing or completing the forms, you may contact the Secretariat by email (ohchr-hrcspecialprocedures@un.org) or fax (+41 22 917 9008).

I. PERSONAL DATA

1. Family (last) name: DUHAIME	5. Year of birth: 1973
2. First (given) name: BERNARD	6. Place of birth: /MONTREAL, CANADA
3. Other name, if any:	7. Nationality (please indicate the nationality that will appear on the public list of candidates): CANADA
4. Gender: MALE	8. Any other nationality:

¹ The short **online survey** is used to collect information for statistical purposes such as personal data (i.e. name, gender, nationality), contact details, mandate applying for and, if appropriate, nominating entity. The same name, gender and nationality must be used both in the online survey and in the Word application form.

² The **application form in Word format** includes a motivation letter of maximum 600 words (section III of the form). The application form should be completed in English or French only, the two working languages of the United Nations Secretariat. The application form will be used as received to prepare the public list of eligible candidates who applied for the vacancy. The application forms of eligible candidates will also be posted as received on the OHCHR public web page for the selection process.

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II. MANDATE-SPECIFIC COMPETENCE / QUALIFICATIONS / KNOWLEDGE

NOTE: Please describe why the candidate's competence / qualifications / knowledge is relevant in relation to the specific mandate:

1. QUALIFICATIONS (200 words limit)

Relevant educational qualifications or equivalent professional experience in the field of human rights; good communication skills (i.e. orally and in writing) in one of the six official languages of the United Nations (i.e. Arabic, Chinese, English, French, Russian, Spanish.)

- Fluent in French, English and Spanish (written and spoken);
- Extensive university studies in Law and Human Rights (HR);
- 17 years of experience as professor of law at the University of Quebec in Montreal (UQAM, Canada) teaching theory and practice of HR and humanitarian law, the United Nations (UN) System, and other international or regional organizations; Invited professor/researcher/fellow in academia in Canada, USA, Argentina, Italy, France.
- 7 years as UN Special Procedure Mandate holder.
- Admitted to the Bar in 1999, senior counsel since 2021.
- 25 years as HR defender, representing or advising victims, NGOs and HR defenders, indigenous peoples, international organizations, and government agencies;
- Extensive experience as attorney, civil servant, consultant, law clerk and intern in international organizations (Inter-American Commission of Human Rights/IACHR); International Labour Organization; International Criminal Tribunal for the Former Yugoslavia.
- Extensive experience doing on-site HR observation and training missions in 20 countries, participating in high level meetings (with ministries, judicial authorities, civil society representatives; visiting prisons, hospitals, courts, etc.) and negotiating on HR matters with State agencies and non-governmental organizations.
- Founding director of UQAM's International Clinic for the Defense of HR.

2. RELEVANT EXPERTISE (200 words limit)

Knowledge of international human rights instruments, norms and principles. (Please state how this was acquired.)

Knowledge of institutional mandates related to the United Nations or other international or regional organizations' work in the area of human rights and particularly in the area of the mandate. (Please state how this was acquired.)

Proven work experience in the field of human rights and particularly in the area of the mandate. (Please state years of experience.)

- Member, Vice-Chair and Chair of the UN Working Group on Enforced or Involuntary Disappearances (2014-2021), deciding cases and urgent procedures, yearly sessions, country visits and other missions, main rapporteur for important thematic reports. Debriefing the UN HR Council, General Assembly, Security Council.
- Extensive experience on cases of arbitrary detentions (AD): successfully argued the standard setting case of *Dorzema v. Dominican Republic* (Inter-American Court of HR/ IACtHR) and involved in other cases of AD (including *Chitay Nech v. Guatemala*; *Caesar v. Trinidad and Tobago*; *Baena Ricardo v. Panama*, *Fleury v. Haiti*, etc.); presented thematic hearings on AD and other before the IACHR;

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- Amicus curiae on AD cases at the IACtHR (Espinoza v. Mexico) and African Commission of Human and Peoples' Rights (Saleh Al-Asad v. Djibouti).
- Presentation of alternative reports to the Universal Periodic Review of the UN HR Council, the Committee on Economic, Social and Cultural rights, the Committee on the Rights of the Child, the HR Council Mechanism on the rights of Indigenous Peoples and UPR, Special Rapporteurs, etc.
- Assistance to HR defenders with submissions to the European Court of HR, the UN HR Committee; the International Labor Organization; Experience working with national HR institutions in Canada and abroad.

3. ESTABLISHED COMPETENCE (200 words limit)

Nationally, regionally or internationally recognized competence related to human rights. (Please explain how such competence was acquired.)

- Renowned academic authority on international HR law and leading Canadian author on the Inter-American HR System;
- Extensive record of publications (including 60+ peer-reviewed) as well as of public and scientific conferences on HR law (200+ in the Americas, Africa, Europe, Asia) in French, English, Spanish.
- Current fellow of the Trudeau Foundation, Associate Research Fellow at the Geneva Academy; Senior Fellow at the Raoul Wallenberg Center for HR; Invited Professor at Université Paris II Panthéon-Assas.
- Member of the advisory board of the University Network for HR, the Torture Journal and the Center for HR and Legal Pluralism of McGill University.
- Acted as adviser/expert on HR matters for international organizations (IACHR/Permanent Council/OAS, Venice Commission/Council of Europe, OSCE/ODIHR, African Commission on Human and Peoples' Rights, etc); HR NGOs, attorneys and HR defenders, indigenous peoples organizations, governments and state authorities; on HR clinical legal education (in Europe, Latin America, Africa).
- Former visiting researcher/fellow/lecturer at Harvard Law School, USC Center for Public Diplomacy, NYU School of Law (USA); University of Victoria (Canada); European University Institute (Italy); University of San Martin and Palermo University (Argentina); Université Aix-Marseilles and Institut international des droits de l'homme / Fondation René Cassin (France)

4. PUBLICATIONS OR PUBLIC STATEMENTS

Please list significant and relevant published books, articles, journals and reports that the candidate has written or public statements, or pronouncements that the candidate has made or events participated in relation to the mandate.

4.1 **Enter three publications in relation to the mandate applied for, in the order of relevance:**

1. Title of publication: « International Law and the Silencing of Social Protest »

Journal/Publisher: », in Margaret E. Beare & Nathalie Des Rosiers, dir, The State on Trial: Policing Protest, Vancouver, UBC

Date of publication: 2015

Web link, if available: <https://www.ubcpres.ca/putting-the-state-on-trial>

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2. Title of publication: Doctrine, Practice, and Advocacy in the Inter-American Human Rights System, with J. Cavallaro, C. Vargas and C. Sandoval, 968 pp.

Journal/Publisher: Oxford University Press

Date of publication: 2019

Web link, if available: <https://global.oup.com/academic/product/doctrine-practice-and-advocacy-in-the-inter-american-human-rights-system-9780190900861?cc=ca&lang=en&>

3. Title of publication: « Defending the Human Rights of Migrants in the Americas : The Nadège Dorzema et al v Dominican Republic Case », 486 pp. .

Journal/Publisher: Quebec Journal of International Law, Special Edition

Date of publication: 2013 including « Equality Rights and Migrations in the Americas: Revisiting the Dorzema et al v Dominican Republic Case»

Web link, if available: <https://www.sqdi.org/fr/produit/hors-serie-novembre-2013-defending-the-human-rights-of-migrants-in-the-americas-the-nadege-dorzema-et-al-v-dominican-republic-case/>

If more than three publications, kindly summarize (200 words limit): Second drafter of the standard setting Report on Terrorism and Human Rights of the Inter-American Commission on Human Rights, Organization of American States, OEA/Ser.L/V/II.116, Doc. 5 rev. 1 corr., 22 October 2002, 275 pp. (<http://www.cidh.org/terrorism/eng/toc.htm>). Extensive publishing record (authored 80 publications including 61 peer reviewed; authored or co-authored 33 major institutional reports) in French, English, Spanish and Italian with major publishers including Oxford University Press, United Nations University Press, Canadian Yearbook of International Law (CYBIL), Quebec Journal of International Law (QJIL), International Labour Review, International Review of the Red Cross, International Journal, Les Cahiers de Droit, La Revue Générale de Droit, Revista de Derecho Constitucional, Editoriale scientifica, University of British Columbia Press, Pedonne, Lynn Reiner Publishers, Debate Feminista, African Journal of Clinical Legal Education, University of Miami Law Review, etc. Work cited in 166 publications by other authors. Author of the Digest of Inter-American Human Rights Law for the CYBIL (2013-) and for the QJIL (2006-2008). Member of the editorial Board of the Torture Journal and of the QJIL. Obtained approximately 1.6 M\$ in research grants on HR-related projects.

4.2 Enter three public statements or pronouncements made or events that the candidate may have participated in relation to the mandate applied for, in the order of relevance:

1. Platform/occasion/event on which public statement/pronouncement made: « Statement to the Security Council by Bernard Duhaime of the Working Group on enforced or Involuntary Disappearances »

Event organizer: UN Security Council- Meeting on the situation on the Middle East, Agenda Item No. 2

Date on which public statement/pronouncement made: 15 March 2021

Web link, if available: <https://media.un.org/en/asset/k1j/k1j8lzqkbc>

2. Platform/occasion/event on which public statement/pronouncement made:

"Contributions, défis et perspectives futures des procédures spéciales "

Event organizer: Canadian Council on International Law, 2021 Annual Conference

Date on which public statement/pronouncement made: 22 October 2021

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Web link, if available: <https://www.ccil-ccdi.ca/program>

3. Platform/occasion/event on which public statement/pronouncement made:

«Migration and Human Rights in the Americas: A Discussion of the Dorzema et al. v. Dominican Republic Case»

Event organizer: Oxford Migration Studies Society and Centre on Migration, Policy and Society (COMPAS), University of Oxford, UK

Date on which public statement/pronouncement made: 2 February 2014

Web link, if available:

If more than three, kindly summarize (200 words limit): More than 200 public and scientific conferences on HR law in Canada, the United States, Mexico, France, the United Kingdom, Spain, Belgium, Switzerland, The Netherlands, Albania, Austria, the Czech Republic, Luxemburg, Costa Rica, El Salvador, Guatemala, Chile, Ecuador, Colombia, Argentina, Bolivia, Brasil, the Dominican Republic, Haiti, The Republic of Korea, Sri Lanka, Bangladesh, Indonesia, Cameroun, Morocco, Uganda, etc. in French, English and Spanish. Statements presented to the Thrid Committee of the United Nations General Assembly and the UN HR Council as Chair or Vice-Chair of the UN Working Group on Enforced Disappearances (2019, 2018, 2017, 2015), Statement to the UN Security Council. More than 500 interviews or articles by mass media worldwide covering the candidate's work.

5. FLEXIBILITY/READINESS AND AVAILABILITY OF TIME (200 words limit)
to perform effectively the functions of the mandate and to respond to its requirements, including participating in Human Rights Council (HRC) sessions in Geneva and General Assembly sessions in New York, travelling on two country visits per year, drafting reports according to established deadlines, organizing and participating in consultations and meetings, addressing allegations of human rights violations with all concerned, providing advice to States and other stakeholders on issues related to their mandate and engaging with a variety of stakeholders. Kindly indicate whether the candidate can dedicate an estimated time of four to six months per year to the work of a mandate depending on its workload.

Please note that the work of mandate holders is unpaid. Those appointed as mandate holders serve in their personal capacities. They are not United Nations staff members, they are not based in United Nations offices in Geneva or at another United Nations location, and they do not receive salary or other financial compensation, except for travel expenses and daily subsistence allowance of "experts on mission".

As university professor: flexible schedule for travel for SP Madate related matters or HR Council sessions, as well as for other country visits, thechnical assitance missions, etc. The candidate currently travels frequently for HR academic conferences, for HR documentation and training, for HR litigation before international tribunals, etc.

6. NOMINATION FOR THE MANDATE

Indicate whether the candidate has been nominated by (check all that apply):

- Individual nominations (indicate this if the candidate is self-nominating)**
- Governments**
- Regional groups operating within the United Nations human rights systems**

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- International organizations or their offices**
- Non-governmental organizations**
- National human rights institutions**
- Other human rights bodies**

Name of the nominating entity and additional information about the nomination (use if applicable, for third-party nominations only) (200 words limit):

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III. MOTIVATION LETTER, INCLUDING YOUR VISION OF THE MANDATE

(600 word limit. Must be typed in the space below and not sent in a separate email or as an attachment. To be drafted and signed (i.e. with a typed signature) by the candidate himself/herself even if nominated by another entity.)

Montreal, November 2021

Excellencies,

I hereby submit my candidacy for the Working Group on Arbitrary Detention (WGAD) [HRC res. 42/22].

I am convinced that I can provide a useful contribution to this crucial mandate. My extensive experience and acknowledged expertise in international human rights (HR) law are certainly important elements that would make my participation an informed and constructive one.

Is also an asset my experience as HR expert, international civil servant and a law professor, working with governments at both diplomatic and local levels, to find thoughtful negotiated solutions to difficult HR problems, in collaboration with other stakeholders.

I am currently a Full Professor at the Faculty of Law of the University of Québec in Montréal (UQAM), in Canada. My main areas of expertise are HR law, international humanitarian law and the law of international organizations as attested by more than 60 peer-reviewed publications and 200+ scientific and public conferences presented worldwide in French, English and Spanish. In addition to being a member of several renowned Canadian research centers, I am currently a Visiting Professor at Paris II University and a associate research fellow at the Geneva Academy. I am also on the advisory board of the University HR Network, the Torture Journal and of McGill University's the Center for HR and Legal Pluralism.

I was a visiting professor/fellow/chair at the University of Southern California, Harvard and New York University, the European University Institute, the University of Victoria, the University of Palermo, amongst many others. I also founded and directed UQAM's International Clinic for the Defense of HR, one of the world's most respected university-based HR clinics.

I have contributed to the promotion and protection of HR since 1996. While serving in several international and national agencies, I have participated in multiple observation and training missions, and produced numerous institutional reports. As attorney of the Inter-American Commission on Human Rights (IACHR), I made recommendations to governments, drafted reports, processed cases, assisted in hearings and sessions, and undertook many on-site visits. I have also co-authored the IACHR's world renowned 2002 Report on Terrorism and HR, dealing in part with arbitrary detentions. In addition, I have been advising several HR organizations and defenders, as well as international organizations and States. In this capacity, I represented or assisted victims and defenders in various HR matters (including arbitrary detention) before Inter-American bodies, the European Court of HR, presenting reports and making representations before UN Special Rapporteurs, UN treaty bodies, the HR Council's Expert Mechanism on the Rights of Indigenous Peoples and UPR Procedure.

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More importantly, I have a considerable expertise in international law specifically applicable to arbitrary detentions. Amongst other relevant cases, I have represented the victims and successfully litigated the Dorzema v. Dominican Republic case, before the Inter-American Court (IACtHR) a landmark decision on the arbitrary detention and expulsion of migrants. At home, I have worked extensively on the detention of demonstrators during the 2010 G20 summit in Toronto.

Finally, I should mention my experience (2014-2021) as Member, Vice Chair and Chair of the UN Working Group on Enforced or Involuntary Disappearances (WGEID), a special procedure that is similar both procedurally and substantively to that of the the WGAD. In addition to addressing cases, I took part in numerous country visits and reported personally several times to the HR Council and the Third Committee of the General Assembly. I also debriefed the UN Security Council. I am very familiar with the Special Procedures, having taken part regularly in their annual meeting.

I would be honored to serve as Member of the WGAD to assist States and civil society with integrity and professionalism.

Bernard Duhaime

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IV. LANGUAGES (READ / WRITTEN / SPOKEN)

Please indicate all language skills below.

1. Mother tongue: FRENCH

2. Knowledge of the official languages of the United Nations:

Arabic: Yes or no: **No** If yes,

Read: Easily or Not easily:

Write: Easily or Not easily:

Speak: Easily or Not easily:

Chinese: Yes or no: **No** If yes,

Read: Easily or not easily:

Write: Easily or not easily:

Speak: Easily or not easily:

English: Yes or no: **Yes** If yes,

Read: Easily or not easily: **Easily**

Write: Easily or not easily: **Easily**

Speak: Easily or not easily: **Easily**

French: Yes or no: **Yes** If yes,

Read: Easily or not easily: **Easily**

Write: Easily or not easily: **Easily**

Speak: Easily or not easily: **Easily**

Russian: Yes or no: **No** If yes,

Read: Easily or not easily:

Write: Easily or not easily:

Speak: Easily or not easily:

Spanish: Yes or no: **Yes** If yes,

Read: Easily or not easily: **Easily**

Write: Easily or not easily: **Easily**

Speak: Easily or not easily: **Easily**

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NOTE: Please list the candidate's academic qualifications (university level and higher, indicating the type of degree and field of study, and whether full- or part-time; for example, *Masters in Law, University of XXX, part-time, 1975-1977, city and country*). If space in the table is insufficient, more than one degree may be listed in a single cell below, separating them by a blank line.

Name of degree, field of study and name of academic institution, full or part-time:	Years of attendance (provide a range from-to, for example 1999-2003; for ongoing education, please put e.g. 2018-present):	Place and country:
LL.M. Summa Cum Laude (International Human Rights Law), Notre Dame University, Faculty of Law	2001-2002	Notre Dame, United States
License to practice law in Quebec, Quebec Bar School	1998-1999	Montreal, Canada
-B.C.L. with distinction (Civil Law) and -LL.B. with distinction (Common Law), McGill University, Faculty of Law	1994-1998	Montreal, Canada
OTHER -Geneva Academy (Associate Research Fellow) -University of Victoria, Faculty of Law (Visiting Fellow) -New York University School of Law, Center for Human Rights and Global Justice (Visiting Fellow)	2021 2019 2018	Genève, Suisse Victoria, Canada New York, USA
OTHER -European University Institute, Law Department (Visiting Fellow); -Harvard Law School, Human Rights Program (Visiting Fellow); -University of Palermo, Centro de Estudios en Libertad de Expresión y Acceso a la Información (Visiting Fellow);	2012 2011 2012	Florence, Italy Cambridge, USA Buenos Air

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VI. EMPLOYMENT RECORD

NOTE: Please briefly list ALL RELEVANT professional positions held in the area of human rights, beginning with the candidate’s current (most recent) occupation. Also, indicate whether positions held were full-time or part-time. If space in the table is insufficient, more than one position may be listed in a single cell below, separating them by a blank line.

<p align="center">Name of employer, functional title, main functions of position, full- or part-time:</p>	<p align="center">Years of work (provide a range from-to, for example 1999-2005; for ongoing activities, please put e.g. 2018-present):</p>	<p align="center">Place and country:</p>
<p>IN ACADEMIA: -Université du Québec à Montréal (UQAM), Faculty of Political Science and Law: Full professor (2012-), Associate Professor (2008-2011); Assistant Professor (2004-2008); Director of UQAM’s International Clinic for the Defense of HR (2005-2010); Director of the BA in international relations and international law program (2014); -University Paris II (France), Visiting Professor -University of Southern California (USC): Canada-US Fulbright Visiting Chair in Public Diplomacy; -Notre Dame University, Faculty of Law: Assistant to Pr. Meintjes; -McGill University, Faculty of Law: sessional lecturer (1998-99); Assistant to Pr. Cotler (1997).</p>	<p>2004-21 2020-2011 2001 1997-99</p>	<p>Montréal, Canada Paris, France LosAngeles, USA NotreDame, USA Montreal, Canada</p>
<p>IN INTERNATIONAL ORGANIZATIONS: -Inter-American Commission on Human Rights, Organization of American States:Ad Hoc Expert (2004); Staff Attorney and HR Specialist (2002-2004); Fellow (2002); Assistant to the President (2001) -International Labour Organization, Equality and Human Rights, Coordination Branch: Law clerk (2000) (1998); Consultant (1998). -International Criminal Tribunal for the Former Yugoslavia, Office of the Prosecutor, Legal Advisory Division: Law Clerk .</p>	<p>2001-04 2000, 1998 1999</p>	<p>Washington, DC, USA Switzerland;Costa Rica;Guatemala TheHague,Netherlan ds</p>

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IN NATIONAL HUMAN RIGHTS INSTITUTIONS: -Rights and Democracy, (International Centre for Human Rights and Democratic Development): Consultant, Intern. -Procuraduría de los Derechos Humanos de Guatemala (Guatemalan Ombudsman of Human Rights): Intern	2000,1998 1996	Montreal, Canada Guatemala
IN LAW FIRMS: -Woods & Partners, Litigation Attorneys, International Arbitrators: Attorney, Intern. -Maikowski & Ninnemann, Intellectual Property Attorneys: Intern.	2000, 1998 1997	Montreal, Canada Berlin, Germany

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**VII. COMPLIANCE WITH ETHICS AND INTEGRITY PROVISIONS
(of Human Rights Council resolution 5/1)**

To be completed by the candidate or by the nominating entity on the candidate's behalf.

1. To your knowledge, does the candidate have any official, professional, personal, or financial relationships that might cause the candidate to limit the extent of inquiries, to limit disclosure, or to weaken or slant findings in any way? If yes, please explain.

no

2. Are there any factors that could either directly or indirectly influence, pressure, threaten, or otherwise affect the candidate's ability to act independently in discharging the mandate? If yes, please explain:

no

3. Is there any reason, currently or in the past, that could call into question the candidate's moral authority and credibility or does the candidate hold any views or opinions that could prejudice the manner in which the candidate discharges the mandate? If yes, please explain:

no

4. Does the candidate comply with the provisions in paragraph 44 and 46 of the annex to Human Rights Council resolution 5/1? (Please answer YES if the candidate complies, NO if the candidate does not comply, together with an explanation.)

Para. 44: The principle of non-accumulation of human rights functions at a time shall be respected.

Para. 46: Individuals holding decision-making positions in Government or in any other organization or entity which may give rise to a conflict of interest with the responsibilities inherent to the mandate shall be excluded. Mandate holders will act in their personal capacity.

yes

5. Should the candidate be appointed as a mandate holder, the candidate will have to take measures to comply with paragraphs 44 and 46 of the annex to Council resolution 5/1. In the event that the current occupation or activity, even if unpaid, of the candidate may give rise to a conflict of interest (e.g. if a candidate holds a decision-making position in Government) and/or there is an accumulation of human rights functions (e.g. as a member of another human rights mechanism at the international, regional or national level), necessary measures could include relinquishing positions, occupations or activities. If applicable, please indicate the measures the candidate will take.

Not applicable

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VIII. CERTIFY AND SUBMIT APPLICATION

To be completed by the candidate. The candidate's name below should match how it is entered on the first page of the form and in the online survey.

I hereby certify that all of the statements made in this application are true, complete and are made in good faith. I understand that falsifying or intentionally withholding information will be grounds for not being selected or appointed or the withdrawal of any proposed appointment or, if an appointment has been made and accepted, for its immediate cancellation or termination.

Kindly note that whilst no changes can be made after this application form has been submitted and the deadline for applications has expired, any relevant change of current occupation, employment, or position, or any other relevant fact or circumstance should be brought to the attention of the secretariat by email (ohchr-hrcspecialprocedures@un.org).

Please review the application before you insert your name and date to indicate your agreement.

Name: Bernard Duhaime

Date: 18 november 2021
